

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

UNITED STATES OF AMERICA	)	
	)	1:20-CR-00347-JPB-JSA-1
v.	)	
	)	
RYAN FELTON	)	

**MOTION TO CONTINUE**

Mr. RYAN FELTON respectfully moves this Court to extend the pretrial motions deadline that is scheduled for Monday, September 28, 2020, and to continue the pretrial conference that is scheduled for Wednesday, September 30, 2020, for a period of not less than twenty-one days.

**I. Procedural History**

On September 9, 2020, a federal grand jury in the Northern District of Georgia returned the indictment in this case, charging Mr. Felton with sixteen counts of Wire Fraud in violation of 18 U.S.C. § 1343, ten counts of Money Laundering in violation of 18 U.S.C. § 1957, and two counts of Securities Fraud in violation of 15 U.S.C. § 78j(b) and 78ff and 17 C.F.R. § 24.10b-5. (Indict. 1, ECF No. 1.)

This Court directs Mr. Felton to file any pretrial motions by Monday, September 28, 2020 (*see* N.D. Ga. L. Cr. R. 12.1(B)), and it scheduled the pretrial conference

for Wednesday, September 30, 2020 (Order 1, ECF No. 10).

## **II. Factual Assertions**

As the Government stated at the arraignment, the discovery in this case is voluminous. Although the parties have diligently participated in the discovery process, Mr. Felton's attorneys have not had a sufficient opportunity to review that discovery to assess which pretrial motions, if any, should be made.

## **III. Memorandum of Law**

The Speedy Trial Act excludes from the computation of time in which a trial must commence "[a]ny period of delay resulting from a continuance . . . at the request of the defendant . . . , if the judge granted such continuance on the basis . . . that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A). *See also Bloate v. United States*, 130 S. Ct. 1345 (2010) (delays resulting from pre-trial motion preparation requires case-specific findings under 18 U.S.C. § 3161(h)(7)). A court, in its determination whether to grant a continuance and exclude any resulting period of delay from the Act's computation of time, must consider, *inter alia*, whether its denial of the continuance will result in a "miscarriage of justice" (18 U.S.C. § 3161(h)(7)(B)(i)) or denying a party "the reasonable time necessary for effective preparation, taking into account the exercise of due diligence" (18 U.S.C. § 3161(h)(7)(B)(iv)).

Mr. Felton submits, considering the number of counts in this indictment, the complexity of the Government's theory of prosecution as evidenced by those charges, the volume of discovery in this case – which although remains unknown, contains, *inter alia*, data from four electronic devices – and the parties' diligence regarding the discovery process, that this Court, should extend the pretrial motions deadline and continue the pretrial conference to allow him a reasonable time to effectively prepare for those events, and to prevent the miscarriage of justice that would result from its denial of this motion.

#### **IV. Opposing Party's Position**

The Government does not oppose this motion.

#### **V. Conclusion**

Mr. Felton, based on the foregoing assertions and argument, prays that this Court:

- (1) extend the pretrial motions deadline and continue the pretrial conference for a period of not less than twenty-one days;
- (2) find that the ends of justice served by its granting that extension and continuance outweigh the best interest of the public and the defendant in a speedy trial; and
- (3) exclude any period of delay resulting from that extension and continuance from the computation of time in which a trial must

commence in this case pursuant to the Speedy Trial Act.

Date: September 28, 2020

Respectfully Submitted,

*s/ Joshua Sabert Lowther, Esq.*

Joshua Sabert Lowther, Esq.

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CERTIFICATE OF COMPLIANCE

I certify, pursuant to N.D. Ga. L. Civ. R. 7.1(D), that the foregoing pleading complies with N.D. Ga. L. Civ. R. 5.1(C); it contains 13-point Book Antiqua font.

Date: September 28, 2020

Respectfully Submitted,

*s/ Joshua Sabert Lowther, Esq.*

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**CERTIFICATE OF SERVICE**

I certify that on September 28, 2020, I electronically filed the foregoing MOTION TO CONTINUE with the Clerk of the United States District Court for the Northern District of Georgia by way of the CM/ECF system, which automatically will serve this document on the attorneys of record for the parties in this case by electronic mail.

Date: September 28, 2020

Respectfully Submitted,

*s/ Joshua Sabert Lowther, Esq.*  
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